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Department of Energy

ROCKY FLATS OFFICE  
P.O. BOX 928  
GOLDEN, COLORADO 80402-0928

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BERMAN, H.S.		
CARNIVAL, G.J.		
COPP, R.D.		
CORDOVA, R.C.		
DAVIS, J.G.		
FERRERA, D.W.		
FRANZ, W.A.		
HANNI, B.J.		
HEALY, T.J.		
HEDAH, T.G.		
HILBIG, J.G.		
HUTCHINS, N.M.		
KELL, R.E.		
KIRBY, W.A.		
KUESTER, A.W.		
MAHAFFEY, J.W.		
MANN, H.P.		
MARX, G.E.		
McKENNA, F.G.		
MORGAN, R.V.		
PIZZUTO, V.M.		
POTTER, G.L.		
SANDLIN, N.B.		
SATTERWHITE, D.G.		
SCHUBERT, A.L.		
SETLOCK, G.H.		
STIGER, S.G.		
SULLIVAN, M.T.		
SWANSON, E.R.		
WILKINSON, R.B.		
WILSON, J.M.		

Peterman

CORRES CONTROL	x	x
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Reviewed for Addressee  
Corres. Control RFP

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DATE BY

Ref Ltr. #

DOE ORDER # 5400.3

Mr. Martin Hestmark  
U. S. Environmental Protection Agency, Region VIII  
ATTN: Rocky Flats Project Manager, 8HWM-RI  
999 18th Street, Suite 500, 8WM-C  
Denver, Colorado 80202-2405

Mr. Gary Baughman  
Hazardous Waste Facilities Unit Leader  
Colorado Department of Health  
4300 Cherry Creek Drive South  
Denver, Colorado 80222-1530

Gentlemen:

The U. S. Department of Energy (DOE) Rocky Flats Office acknowledges receipt of your response to DOE's request for modification to work of the Operable Unit (OU) 8 Final Phase I RFI/RI Work Plan and request for extension of Draft and Final Phase I RFI/RI Reports for OU 8, dated January 31, 1994. The DOE objects to the action taken by both the Colorado Department of Health (CDH) and the U. S. Environmental Protection Agency (EPA) and, in accordance with the Interagency Agreement (IAG), paragraph 92 and paragraph 226 hereby submits a written Statement of Dispute and seeks a determination that good cause exists to grant our request.

The nature of the dispute lies with DOE's and the regulatory agencies' (CDH and EPA) differing assessments of the need of the modification of work under Part 32 of the IAG for OU 8. The DOE's position is that there exists adequate justification for modifying work for OU 8. The major reasons include the change in mission at RFP, impacts from the Transition/Decontamination and Decommissioning (T/D&D) schedules on the viability of continuing investigation of parts of OU 8, and realization of duplication of efforts which include consideration of field sampling plans from other OU's that are adjacent to or overlap IHSS's within OU 8. The DOE initiated several proactive efforts that included both CDH and EPA on both an informal and formal basis that supports DOE's modification to work for OU 8. These proactive efforts are documented within the latest meetings and documents produced by the Environmental Restoration Management Accelerated Cleanup Working Group and presentations made, since early 1993, improved approaches to the Quality Action Team (QAT) which meets weekly and includes members from DOE, EG&G, CDH, and EPA. Also, formal documentation regarding justification for Individual Hazardous Substances Site (IHSS) evaluations were sent on February 10, 1994. Another recent example of supporting justifications is development of a major plan that will support modification to work effort is the Interim Measures/Interim Response Action/Decision Document for the RFP Industrial Area. This document is in draft form as of February 16, 1994, and will soon be transmitted to the agencies for review. The outcome of these working groups and evaluation efforts have been to establish approaches to aid in the realistic scoping and scheduling of not only OU 8 but many other OU's, e.g., OU's 9, 10, 12, 13, and 14, which are soon to be in a similar situation of missing IAG enforceable milestones.



ADMIN RECCRD

G. Baughman & M. Hestmark  
94-DOE-02376

This Statement of Dispute is transmitted in good faith, and DOE agrees to work with the CDH and EPA to expedite, to the extent possible, the dispute resolution process. The DOE reiterates its commitment to the purposes of the IAG, including the investigation of potential environmental impact at RFP and to promote a reasonable, orderly and effective investigation and cleanup of contamination at the site. We believe the further pursuit of the OU 8 dispute is consistent with the DOE commitment to cleanup.

Sincerley,



Richard J. Schassburger  
Interagency Agreement Coordinator

cc:

A. Rampertaap, EM-453, HQ  
M. Silverman, OOM, RFO  
L. Smith, OOM, RFO  
D. Simonson, OOM, RFO  
J. Roberson, AMER, RFO  
M. McBride, ER, RFO  
F. Lockhart, ER, RFO  
R. Birk, ER, RFO  
B. Thatcher, ER, RFO  
D. Lindsay, OCC, RFO  
J. Hartman, AMSSS, RFO  
S. Olinger, AMESH, RFO  
S. Stiger, EG&G  
B. Peterman, EG&G  
B. Fraser, EPA  
H. Ainscough, CDH